

## FORM 26. Docketing Statement

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1558

Wright Manufacturing, Inc.

v.

The Toro Company

## DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Wright Manufacturing, Inc.

Party is (select one) ☒ Appellant/Petitioner ☐ Cross-Appellant  
☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. Patent Trial and Appeal Board - Reexam No. 95/001,742

Date of Judgment/Order 02/14/2014 Type of Case Inter Partes Reexamination

Relief sought on appeal Reversal of rejections under 35 U.S.C. 103(a) against claims

Relief awarded below (if damages, specify) \_\_\_\_\_

None

Briefly describe the judgment/order appealed from \_\_\_\_\_

Patent Trial and Appeal Board's decision affirming Examiner's rejection of claims 1, 3, 4, and 6-17 in an inter partes reexamination of U.S. Patent No. 6,935,093 B2.

Form 26

**FORM 26. Docketing Statement (continued)**

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) \_\_\_\_\_
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued \_\_\_\_\_

Wright Manufacturing, Inc. v. The Toro Company, No. 14-1534

Brief statement of the issues to be raised on appeal \_\_\_\_\_

Appellant appeals the rejections under 35 U.S.C. 103(a) of claims 1, 3, 4, and 6-17.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☒ No

If they were mediated, by whom? \_\_\_\_\_

**FORM 26. Docketing Statement (continued)**

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not \_\_\_\_\_

The parties have had settlement discussions without being able to reach an agreement.

Provide any other information relevant to the inclusion of this case in the court's mediation program. \_\_\_\_\_

None

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 7th day of July, 2014

by: electronic means (ECF)  
(manner of service)

<u>Joseph A. Rhoa</u>	<u>/s/ Joseph A. Rhoa</u>
Name of Counsel	Signature of Counsel

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FORM 30. Certificate of Service

UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on  
by:

Jul 7, 2014

- ☐ US mail  
☐ Fax  
☐ Hand  
☒ Electronic Means  
(by email or CM/ECF)

Joseph A. Rhoa

Name of Counsel

/s/ Joseph A. Rhoa

Signature of Counsel

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